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Counsel for Defendant TZUN-MAGANA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUIS TZUN-MAGANA,

Defendant.

Case No. CR 3:21-cr-00306-EMC

**DEFENDANT'S MOTION FOR
LEAVE TO FILE AN OVERSIZED
REPLY BRIEF AND [PROPOSED]
ORDER**

Counsel for defendant Luis Tzun-Magana respectfully requests leave to file an oversized brief. *See* Crim. L.R 47-2(d) (incorporating by reference Civil L.R. 7-4). Under the Northern District of California's local rules, the opening and opposition briefs shall not exceed 25 pages and the reply brief shall not exceed 15 pages. The Court nonetheless has discretion to permit the filing of an oversized brief upon an *ex parte* request made prior to the due date. Civil L-R 7-4(b).

The issues in this case are unusually complex and the factual background spans 90 years of historical context and legislative history. The government's opposition to Mr. Tzun-Magana's motion challenging the constitutionality of 8 U.S.C. § 1326 was 34 pages. Accordingly, Mr. Tzun-Magana requests that he be permitted to file a reply brief up to 48 pages of text in length.

1 Dated: April 18, 2022

Respectfully submitted,

2 _____/s_____
3 GABRIELA BISCHOF
4 Assistant Federal Public Defender

5
6 **[PROPOSED] ORDER**

7 Defendant Luis Tzun-Magana's request to file an oversized reply brief is hereby GRANTED.
8

9 _____
10 Date

EDWARD M. CHEN
United States District Judge